

CRIMINAL REVISION APPLICATION NO. 13 OF 2002.

1. M/s. Asiatic Holiday Resorts  
(Pvt.) Ltd., through its  
Managing Director,
2. Mr. Savio da Rocha Lobo,  
Managing Director,  
Asiatic Holiday Resorts  
(Pvt.) Ltd., F-4, 1st Floor,  
Indiana Apts., Tonca, Panaji. ... Applicants.

Versus

1. Shri Carlos Jose Ernesto dos  
Reis alias Carlos dos Reis,  
r/at Vasco-da-Gama.
2. State of Goa represented by  
Public Prosecutor, Panaji. ... Respondents.

Mr. S.D. Lotlikar, Senior Advocate with Mr. a.D. Bhobe,  
Advocate for the Applicants.

Mr. M. Rao, Advocate for the Respondent No. 1.

Mr. S.N. Sardessai, Public Prosecutor for the Respondent  
No. 2 State.

Coram : P.V. HARDAS, J.

Date : 10th July 2003.

ORAL JUDGMENT

This revision is filed by the applicants/accused challenging their conviction for an offence punishable under Section 138 of the Negotiable Instruments Act and the sentence of one month simple imprisonment and fine of Rs. 5,000/-, in default one month simple imprisonment, passed by the Judicial Magistrate, First Class, Panaji, by Judgment, dated 25th April 2001, in Criminal Case No. 76/OA/96/C and affirmed by the IInd Additional Sessions Judge, Panaji, by Judgment, dated 29th April 2002, in Criminal Appeal

No. 35 of 2001.

2. During the pendency of this Criminal Revision Application, the parties to the proceedings have filed an application stating that the complainant and the accused have compounded the offence. In paragraph 2 of the application, it is stated that the complainant/respondent no. 1 has received an amount of Rs. 22,350/- towards the amount of the cheque. The application for compounding is signed by the accused, the complainant and their respective counsel. The complainant is present in Court and is identified by his counsel. The said application for compounding is taken on record and marked 'X' for the purpose of identification.

3. In view of the fact that the offence is compounded, Criminal Revision Application is allowed. The conviction and sentence passed by the learned trial Court and affirmed by the lower appellate Court is, hereby, quashed and set aside and the accused are acquitted of the aforesaid charge. Fine deposited be returned to the accused. Bail bond stands cancelled.

(P.V. HARDAS)  
JUDGE.

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